

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BERNIECE WILLIAMS

Plaintiff,

v.

CASE NO. 08-3311-SAC

PETER FRANCIS JUDE BEAGLE
LAW OFFICE, et al.,

Defendants.

O R D E R

Before the court is a complaint submitted by Berniece Williams who proceeds pro se and in forma pauperis in this matter. By an order dated March 3, 2009, the court directed Williams to show cause why the complaint should not be dismissed because this court lacks personal jurisdiction over any of the named defendants, and because venue in the District of Kansas is improper.¹

In a common responsive pleading Williams filed in four other cases pending in the District of Kansas, Williams acknowledges that venue is improper and that the court lacks personal jurisdiction

¹The court also dismissed without prejudice two of Williams' sons who were named as plaintiffs in the complaint, finding Williams could not proceed through purported powers of attorney on behalf of her sons who were incarcerated in federal institutions in Colorado and Florida. To the extent Williams continues to argue her sons should be allowed to remain as plaintiffs in this matter, the court finds no merit to this argument.

over the defendants.² She argues, however, for transfer of this matter to the District Court for the District of Columbia. In support of this request, Williams outlines a history dating back to 1987 of misconduct by the Columbus, Ohio, police department and attorneys defending her sons in their criminal proceedings, and generally states she is striving to seek their release and compensation for their wrongful imprisonment. Williams further contends her personal safety and the safety of her incarcerated sons would be put at risk if this action were to be transferred to a federal court in Ohio.

However, nothing in Williams' response suggests the District of Columbia is a venue in which this action could have been brought in the first instance, and even if it were, Williams' allegations against the defendants named in the complaint³ provide no sound factual or legal basis for finding it would be in the best interests of justice to transfer this action to the District Court in the District of Columbia or any other district court. 28 U.S.C. § 1406(a).

Thus for the reasons stated herein and in the show cause order entered on March 3, 2009, the court concludes the complaint should be dismissed without prejudice.

²As noted in the order entered on March 3, 2009, it does not appear that any of the defendants named in the complaint are residents of Kansas, or that they took any action in Kansas related to any claim in the complaint. The only connection with Kansas appears to be that it is the state where Berneice Williams resides.

³The defendants named in this action are an Ohio law office, an Ohio judge, an Ohio defense attorney, and an Ohio probation officer.

IT IS THEREFORE ORDERED that plaintiff's request to transfer this case to the District Court in the District of Columbia is denied, and that the complaint is dismissed without prejudice.

IT IS SO ORDERED.

DATED: This 29th day of April 2009 at Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge